

shall use the revenues received from the nonresident deer and wild turkey hunting license fees to employ as many new full-time conservation officers as possible with the revenues received until ninety-nine conservation officers are employed in nonsupervisory positions.

Sec. 4. **EFFECTIVE DATE.** This Act takes effect December 15, 1994, and applies to the 1995 license year and each subsequent license year.

Approved April 25, 1994

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## CHAPTER 1112

### HUMAN SERVICES — ENFORCEMENT — LIENS — REPORTS

*S.F. 2250*

**AN ACT** relating to the department of human services by establishing debt liens based upon the inappropriate obtaining of benefits from the department of human services and reporting of assets and income of a medical assistance recipient by a conservator.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 10A.108 LIEN OF ENTITLEMENT BENEFITS INAPPROPRIATELY OBTAINED FROM THE DEPARTMENT OF HUMAN SERVICES — DEBT ESTABLISHED — COLLECTION — ACTION AUTHORIZED.**

1. If a person refuses or neglects to repay benefits inappropriately obtained from the department of human services, the amount inappropriately obtained, including any interest, penalty, or costs attached to the amount, constitutes a debt and is a lien in favor of the state upon all property and any rights or title to or interest in property, whether real or personal, belonging to the person for the period established in subsection 2, with the exception of property which is exempt from execution pursuant to chapter 627.

A lien under this section shall not attach to any amount of inappropriately obtained benefits, or portions of the benefits, attributable to errors by the department of human services. Liens shall only attach to the amounts of inappropriately obtained benefits or portions of the benefits which were obtained due to false, misleading, incomplete, or inaccurate information submitted by a person in connection with the application for or receipt of benefits.

2. a. The lien attaches at the time the notice of the lien is filed under subsection 3, and continues for ten years from that date, unless released or otherwise discharged at an earlier time.

b. The lien may be extended, within ten years from the date of attachment, if a person files a notice with the county recorder or other appropriate county official of the county in which the property is located at the time of filing the extension. From the time of the filing of the notice, the lien period shall be extended for ten years to apply to the property in the county in which the notice is filed, unless released or otherwise discharged at an earlier time. The number of extensions is not limited.

c. The director shall discharge any lien which is allowed to lapse and may charge off any account and release the corresponding lien before the lien has lapsed if the director determines, under uniform rules prescribed by the director, that the account is uncollectible or collection costs involved would not warrant collection of the amount due.

3. To preserve the lien against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any property located in a county, the director shall file a notice of the lien with the recorder of the county in which the property is located at the time of filing of the notice.

4. The county recorder of each county shall prepare and maintain in the recorder's office an index of liens of debts established based upon benefits inappropriately obtained from and

owed the department of human services, which provides appropriate columns for all of the following data, under the names of debtors, arranged alphabetically:

- a. The name of the debtor.
  - b. "State of Iowa, Department of Human Services" as claimant.
  - c. The time that the notice of the lien was received.
  - d. The date of notice.
  - e. The amount of the lien currently due.
  - f. The date of the assessment.
  - g. The date of satisfaction of the debt.
  - h. Any extension of the time period for application of the lien and the date that the notice for extension was filed.
5. The recorder shall endorse on each notice of lien the day and time received and shall preserve the notice. The recorder shall index the notice in the index book and shall record the lien in the manner provided for recording real estate mortgages. The lien shall be effective from the time of the indexing.
6. The department shall pay, from moneys appropriated to the department for this purpose, a recording fee as provided in section 331.604, for the recording of the lien, or for satisfaction of the lien.
7. Upon payment of a debt for which the director has filed notice with a county recorder, the director shall file a satisfaction of the debt with the recorder and the recorder shall enter the satisfaction on the notice on file in the recorder's office.
8. The department of inspections and appeals, as provided in this chapter and chapter 626, shall proceed to collect all debts owed the department of human services as soon as practicable after the debt becomes delinquent. If service has not been made on a distress warrant by the officer to whom addressed within five days from the date the distress warrant was received by the officer, the authorized investigators of the department of inspections and appeals may serve and make return of the warrant to the clerk of the district court of the county named in the distress warrant, and all subsequent procedures shall be in compliance with chapter 626.
9. The distress warrant shall be in a form as prescribed by the director, shall be directed to the sheriff of the appropriate county, and shall identify the debtor, the type of debt, and the delinquent amount. The distress warrant shall direct the sheriff to distrain, seize, garnish, or levy upon, and sell, as provided by law, any real or personal property belonging to the debtor to satisfy the amount of the delinquency plus costs. The distress warrant shall also direct the sheriff to make due and prompt return to the department or to the district court under chapter 626 of all amounts collected.
10. The attorney general, upon the request of the director of inspections and appeals, shall bring an action, as the facts may justify, without bond, to enforce payment of any debts under this section, and in the action the attorney general shall have the assistance of the county attorney of the county in which the action is pending.
11. The remedies of the state shall be cumulative and no action taken by the director of inspections and appeals or attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other remedy provided by law.

Sec. 2. Section 633.641, Code 1993, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** The conservator shall report to the department of human services the assets and income of any ward receiving medical assistance under chapter 249A. Reports shall be made upon establishment of a conservatorship for an individual applying for or receiving medical assistance, upon application for benefits on behalf of the ward, upon annual or semiannual review of continued medical assistance eligibility, when any significant change in principal or income occurs in the conservatorship account, or as otherwise

requested by the department of human services. Written reports shall be provided to the department of human services county office for the county in which the ward resides or the county office in which the ward's medical assistance is administered.

Approved April 25, 1994

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**CHAPTER 1113**  
**STORAGE OF BULK GRAIN**  
*S.F. 2263*

**AN ACT** providing for the storage of bulk grain by producers owning the grain.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 203C.16, Code 1993, is amended to read as follows:

203C.16 LICENSE REQUIRED FOR THE STORAGE OF BULK GRAIN.

~~It shall be unlawful for any A person other than a licensed warehouse operator to shall not place in storage or to accept for storage any bulk grain, and it shall be unlawful for any. A person to shall not place bulk grain in storage in a warehouse other than a licensed warehouse. This section shall not apply to any of the following:~~

~~1. The acceptance and storage of bulk grain by a person bonded and licensed under the provisions of a federal law, if and to the extent that such the person is authorized under federal law to accept and store bulk grain, but such. However, the person shall comply with all other provisions of this chapter which do not conflict with such federal law. This section shall not apply to the~~

~~2. The storage of bulk grain owned by the a person storing the same who owns all the stored bulk grain.~~

~~3. The storage of bulk grain by more than one person, if all of the following apply:~~

~~a. The bulk grain was jointly produced by all persons storing the grain. As used in this subsection, "jointly produced" includes but is not limited to grain owned by a landlord who receives a share of agricultural products as rent.~~

~~b. The bulk grain is stored on the property owned or leased by one of the persons jointly producing the grain.~~

~~c. No person other than persons jointly producing the grain owns the stored bulk grain.~~

Approved April 25, 1994